

F.No. 8-24/2006-FC
Government of India
Ministry of Environment and Forests

1593 CB
28-4-06

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003
Date: 13.04.2006

To
The Principal Secretary (Forests)
Government of Madhya Pradesh,
M. P. Secretariat,
Bhopal

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Sub: Diversion of 65.21 ha of forest land for Windfarm Project of M/s Enercon Indian Limited

Sir,

I am directed to refer to your letter No. F-4/16/6/2005/10-11/Vidyut/442 dated 02.03.2006 whereunder the above proposal was forwarded to this Office seeking prior approval of the Central Government in accordance with the Section-2 of the Forest (Conservation) Act, 1980, and to say that the above proposal was examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980.

After careful consideration of the proposal of the State Government and on the basis of the recommendation of the above mentioned Advisory Committee, the Central Government hereby, **agrees in-principle** for diversion of 65.21 ha of forest land for Windfarm Project of M/s Enercon Indian Limited, Madhya Pradesh subject to fulfilment of following conditions:

- (i) The User Agency shall transfer the cost of raising and maintaining Compensatory Afforestation to the State Forest Department.
- (ii) Non-forest land identified for raising Compensatory Afforestation shall be transferred and mutated in favour of State Forest Department.
- (iii) The State Government shall charge the Net Present Value of the forest area diverted under this proposal from the User Agency as per the Orders of the Hon'ble Supreme Court of India dated 30.10.2002 and 01.08.2003 in IA No. 566 in WP(C) No. 202/1995 and as per the guidelines issued by this Ministry vide letters No. 5-1/1998-FC (Pt. II) dated 18.09.2003 and 22.09.2003 in this regard.
- (iv) The User Agency shall deposit with the State Forest Department a lump-sum lease rent of Rs. 30,000 per MW. This amount shall be utilized in providing gas connections to the local villagers under the Joint Forest Management Programme and for other conservation measures.

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- All the funds received from the User Agency under the project shall be transferred to the Compensatory Afforestation Fund Management and Planning Authority (CAMPA). Till such time an appropriate Head of Account is communicated in this regard, the funds shall be kept in the form of Fixed Deposits in the name of the concerned DFO or the Nodal Officer in any Nationalised Bank as per the guidelines issued by the Ministry of Environment and Forests dated 22.03.2004. The State Government shall utilize all the funds other than NPV till a direction is given by the Central Government in respect of utilization of NPV of the diverted forest land.
- (vi) The User Agency shall create cairns (60 cm high) with available stones and indicate the marking of forward and backward bearings on these cairns.
 - (vii) After the construction of the approach road as per the Project Plan, these cairns shall be substituted by four feet high RCC pillars at the project cost indicating on each pillar the forward and back bearings as well as distance between the adjacent pillars.
 - (viii) Other standard conditions in vogue as per this Ministry's guidelines for Wind Power projects shall be applicable in the instant case also.

After receipt of compliance report on fulfilment of conditions no. (i), (ii), (iii), (iv), (v), and (vi) mentioned above, the proposal shall be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government in this regard.

Yours faithfully,


(S.K.Chadha)^{13/04/04}

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Madhya Pradesh
2. Nodal Officer, O/o the P.C.C.F., Madhya Pradesh, Bhopal.
3. The CCF (Central), Regional Office, Bhopal.
4. Executive Engineer, Project Division, Asifabad, Irrigation Department Pahadibanda
5. RO (HQ)/Monitoring Cell, MoEF, New Delhi
6. Guard File